

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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GEORGE COLBY,

Plaintiff,

Docket No. 19-CV-00217

-against-

HOME DEPOT U.S.A., INC. d/b/a THE HOME
DEPOT,

**PROPOSED JOINT VOIR
DIRE**

Defendants.
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The parties respectfully requests that the Court ask the following questions of prospective jurors during voir dire. Alternatively, the Defendant requests leave to ask the following questions:

Defendant's Proposed Voir Dire Questions

1. Have you ever heard of George Colby, the plaintiff?
2. If so, how have you heard of the plaintiff?
3. Each potential juror is asked to state:
 - a. his or her full name and area of residence;
 - b. how long he or she has been a resident of the State of New York;
 - c. his or her occupation;
 - d. if retired, what his or her occupation was before retirement;
 - e. marital status (single, married, etc.);
 - f. if married, spouse's name and occupation;
 - g. respective ages and occupations of any children;
 - h. if a relative (other than a spouse or a child), friend, or roommate lives in the same household, that person's occupation;
 - i. if a relative is in law enforcement; and
 - j. if they ever served in the USA military, if so, what branch and what years.

4. Does anyone know or has anyone dealt with the plaintiff's attorneys, the defendant's attorneys? If yes, please identify the person you know or have dealt with, the nature of your relationship, and whether that relationship would hinder or affect your ability to give a fair trial to all of the parties in this case.
5. Does anyone know, or has anyone had any business dealings with, any of the witnesses who have been identified by the court? If yes, please identify the person you know or have dealt with, the nature of your relationship, and whether that relationship would hinder or affect your ability to give a fair trial to all of the parties in this case.
6. Have you, your family members or any friends worked at any Home Depot store or facility?
7. Have you, your family members or any friends shopped at the Home Depot store located at 43 Hutton Ave., Nanuet, Rockland County, New York 10954? If so, how often and when was the last visit?
8. Have you, your family members or any friends shopped at Home Depot on line? If so, when was the last time? ***Plaintiff objects as having no relevance to the issues.***
9. If yes, how would you describe your overall shopping experience at or with Home Depot? ***Plaintiff objects as having no relevance to the issues.***
10. Is there anything about your experiences at or with the Home Depot that would affect your ability to serve as a fair and impartial jury in this matter?
11. Have you, your family members or any friends suffered back or knee injuries?
12. Have you, your family members or any friends ever been a plaintiff or a defendant in a personal injury lawsuit?
13. Are you a lawyer? Do you have any family or friends who are lawyers?
14. How do you feel about lawyers?
15. What is your highest level of education?
16. Would you agree that a person can be involved in an accident without sustaining injury?
17. Are you open to the notion of awarding amounts of money in a personal injury lawsuit?
18. Would you agree that if a person was not injured in an accident, is it fair to say there should be no compensation?

19. At the end of the case you will be instructed that deliberations are not to be affected by sympathy for any of the parties. Can you follow that instruction and put aside any sympathy you may have in this matter?
20. Have you or a close family member sued or been sued by someone? If so, what was the nature of the lawsuit? Does that experience affect your ability to be fair to all parties in deciding this case?
21. Have you, any member of your family or a close personal friend ever testified in a lawsuit? Does this experience affect your ability to be fair to all parties in deciding this case?
22. In the eyes of the law, all parties, whether individuals or corporations, are to be treated alike. All parties are entitled to the same honest, fair and impartial treatment. If selected to serve as a juror in this case, would everyone accept and apply this principle of law?
23. Have you ever been in a situation where you sought a second opinion from a doctor?
24. Are you open to the possibility that doctors will disagree about medical conditions?
25. Both plaintiff's and defendants' expert physicians are being compensated for their time away from their respective practices to give testimony at this trial. Can you evaluate the testimony of plaintiff's and defendant's physicians in the same manner?
26. Do you know of any reason that you cannot sit in this case with complete fairness and impartiality and decide the case based only on the evidence presented in court and the law as given at the conclusion of the trial?
27. Now you understand that the law says that a juror cannot consider anything other than the evidence that comes out here in court from the witness stand. You cannot consider what you might have read or heard about the case. When you are sworn as a juror, you have to take an oath that you will consider only the law and evidence in arriving at your verdict. I need to know if you can accept and abide by (follow) such an oath?

Plaintiff's Proposed Voir Dire Questions

1. Do any of you know either/any of the lawyers? Has either / any of them or anyone in their office ever represented you or brought any actions against you? Do you know Mr. George Colby or any of the witnesses the Court has advised you of?
2. Have you shopped at the Home Depot located 43 Hutton Ave., Nanuet, Rockland County, New York 10954. If so, was there anything about your visiting that location that would prevent you from being a fair and impartial juror in this matter.
3. Have you or any family member or close person friend ever filed a claim or lawsuit of any kind? If so, can you tell us what you know about it and whether it might prevent you from being a fair and impartial juror in this case?

4. Has anyone ever filed a claim or a lawsuit against you or a member of your family or a close friend? If so, can you tell us about it and whether it might prevent you from being a fair and impartial juror in this case?
5. Have you or a family member or close person friend either currently or in the past been involved as a party... as either a plaintiff or a defendant...in a lawsuit involving damages for personal injury? If so, can you tell us about it and whether it might prevent you from being a fair and impartial juror in this case?
6. A plaintiff is a person who has initiated a lawsuit. Do you have a bias for or against a plaintiff simply because he or she has brought a lawsuit?
7. Are you okay with a plaintiff bringing a lawsuit for an accident that is claimed to be caused by the negligence of another person or party?
8. Are you okay with a plaintiff seeking money compensation for his pain and suffering?
9. There has been a great deal of public discussion about something called Tort Reform (laws that restrict the right to sue or limit the amount recovered). Do you have an opinion one way or the other, on this subject?
10. If the law and evidence warranted, would you be able to render a verdict in favor of the plaintiff or defendant regardless of any sympathy you may have for either party?
11. Have you ever been a witness in a civil matter, regardless of whether it went to trial?
12. If the law and evidence warranted, would you be able to compensate the plaintiff with money for his injury, disability and conscious pain and suffering up to date and into the future?
13. Are you a shareholder, stockholder, director, officer or employee, or in any other manner interested, in any insurance company issuing policies for protection against liability for damages for injury to persons or property?
14. Please tell us the type of work you do?
15. Have you ever served in the military?
16. What is your educational background?
17. What do you do in your spare time for fun?
18. Have you, a family member, or a close friend ever sustained an injury to your back

and/or your knee? Or have chronic back or knee problems?

19. How would you describe your overall experience with Home Depot?

20. Have you, or your family member ever worked at Home Depot?

21. Do you or a family member own shares of stock in Home Depot?

Dated: New York, New York

March 25, 2022

Respectfully submitted,



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